IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

J U D G M E N T

(1) S.B. CIVIL WRIT PETITION NO. 5637/1998
KUNDAN SINGH Vs. THE RESERVE BANK OF INDIA & ANR.
&
(2) S.B. CIVIL WRIT PETITION NO. 5098/1998
RAM SWAROOP SINGH Vs. THE RESERVE BANK OF INDIA & ANR.

Date: 15.12.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. Anand Sharma for the petitioners.
Mr. Sanjay Srivastava for
Mr. S.B. Mathur for the respondents.

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Since both the writ petitions involve similar question of law, therefore, they are being decided by this common judgment.

In both the writ petitions, promotion of respondent No.2 Shri Swaroop Chandra has been challenged on the ground that the post of Assistant Care Taker should be filled by promotion from the suitable class-IV employees who are Ex-Army persons. It is also stated that respondent No.2 Swaroop Chandra is not a army person and has been given promotion on the post of Assistant Care Taker.

On the other hand, the respondents have stated that the promotion on the post of Assistant Care Taker was given amongst senior most suitable class-IV

employees and only respondent No.2 Swaroop Chandra was found suitable for selection by the Selection Committee. It is also submitted that inadvertently in the circular the applications were invited from ex-serviceman. However, as per the policy of the Bank all employees in class-IV category were considered and were eligible for applying for the post. It is also given out by the learned counsel for the respondents that during pendency of the writ petition, both the petitioners after attaining superannuary age now retired.

In view of this fact, the only grievance remains consideration of the petitioners for promotion on the post of Assistant Care Taker, being Ex-Army persons, but in any case, at this stage, since both the petitioners are retired, I do not want to interfere with the promotion order of respondent No.2 Swaroop Chandra passed by the respondents. Thus, so far as the relief claimed by the petitioners to quash and set-aside the order of promotion given to respondent No.2 Swaroop Chandra is concerned, the writ petition stands dismissed.

Now for the purposes of retiral benefits, the petitioners being Ex-Army persons are eligible and suitable for promotion on the post of Assistant Care

Taker and for that purpose, the respondent Reserve Bank of India is directed to consider the case of the petitioners if any post of Assistant Care Taker is still lying vacant and otherwise the petitioners are eligible for the post of Assistant Care Taker and if the petitioners are found eligible, they may be given the benefit of difference of the retiral benefits and if the petitioners are not found suitable after consideration, pass appropriate order to this effect.

With the aforesaid observations, both the writ petitions stand disposed of.

(K.S. RATHORE),J.

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